

RESPONSE UNDER 37 C.F.R. § 1.114(c)
EXPEDITED PROCEDURE
GROUP 1795
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q65911

Yasuo SHINOHARA

Appln. No.: 09/940,474

Group Art Unit: 1795

Confirmation No.: 4884

Examiner: Monique M. WILLS

Filed: August 29, 2001

For: SEPARATOR FOR NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY,
AND NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY

RESPONSE UNDER 37 C.F.R. § 1.114(c)

MAIL STOP RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated June 27, 2008, and further in view of the Notice of Appeal filed December 24, 2008, please consider the remarks as submitted herewith on the accompanying pages. A Petition for Extension of Time is being filed concurrently herewith making this Response timely filed.

REMARKS

Claims 1, 2, 5-8 and 10-13 are pending in the present Application.

Claims 1, 2, 5-8 and 10-13 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over U.S. Patent No. 6,447,958 to Shinohara et al. ("Shinohara").

Shinohara qualifies as prior art to the present Application under 35 U.S.C. § 102(e) only. Pursuant to 35 U.S.C. § 103(c)(1), and without admitting that this rejection is appropriate,

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Applicants hereby disqualify Shinohara as prior art by submitting the following statement of common ownership.

The present Application (U.S. Application Serial No. 09/940,474) and U.S. Patent No. 6,447,958 were, at the time of the invention of U.S. Application No. 09/940,474, was made, owned by Sumitomo Chemical Company, Limited.

In view of the foregoing, withdrawal of the sole rejection and allowance of the present Application are requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Travis B. Ribar /
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23373
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Date: July 24, 2009